

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.12419 of 2013

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner, who is the accused in Crime No. 251 of 2013 on the file of Police Station, Begumpet, Hyderabad.

2. The offence registered against the petitioner is under Section 3(i) (x) of SC/ST Prevention of Atrocity Act and section 323 IPC.

3. Heard the counsel for the petitioner; the Public Prosecutor appearing for the 1st respondent; and the counsel appearing for the 2nd respondent.

4. A perusal of the complaint shows that there are allegations against the petitioner, *prima facie*, constituting the offences under Section 3(i)(x) of SC/ST Prevention of Atrocity Act and Section 323 IPC.

5. As no arguments are extended by the petitioner's counsel as to how the said allegations cannot be considered for sustaining the prosecution against the petitioner, the petition is liable to be dismissed. However, the counsel for the petitioner submits that earlier this Court granted stay of arrest of the petitioner and by virtue of it, arrest of the petitioner may be stayed till further investigation.

6. As could be seen from the proceedings of this Court, it is clear that this Court on 23.10.2013 has granted interim stay of

investigation in the said crime but no stay of arrest of the petitioner, in particular was granted.

7. In view of the fact that there are no grounds for quashing the proceedings, however, considering the plea of the petitioner's counsel to stay the arrest of the petitioner, the police are directed to follow the guidelines of *Arnesh Kumar vs. State of Bihar & Another*¹ before effecting arrest of the petitioner.

8. With the above observations, the Criminal Petition is dismissed. Interim stay of investigation granted by this Court on 23.10.2013 shall stand vacated. As a sequel, the miscellaneous application, if any pending, shall stand closed.

December 11, 2017

JR

T. RAJANI, J

¹ (2014) 8 SCC 273